S.B. CIVIL MISC. APPEAL NO. 832/2001

Date : 24.03.2006

HON'BLE MR. BHAGWATI PRASAD, J.

Dr. Kailash Trivedi for the appellant.
Mr. Anil Bachhawat for the respondent.

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Heard.

This is a case where a 42 year wife has died. All the claimants are self supporting claimants. The husband is a teacher and sons are gainfully employed. The Tribunal has awarded a sum of Rs. 93,000/- considering the income of the deceased as Rs.300/- per month which is considered by this Court on the lower side. If the wife has died and the husband is living, then the husband looses the benefit of the company and domestic services. The dependency of Rs.200/- has therefore, been computed on the lesser side which deserves to be enhanced to Rs. 1000/-. For the age of 42 years , the multiplier as used by the Tribunal is 15 which is on the excessive side. Instead a multiplier of 12 is applied.

With these observations, the appeal is disposed of. The Tribunal will frame a fresh award incorporating the above modifications.

(BHAGWATI PRASAD), J.